

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JI XU,

Plaintiff,

-against-

THE CITY UNIVERSITY OF NEW YORK (CUNY),
LAGUARDIA COMMUNITY COLLEGE (LAGCC),

Defendants.

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BLOOM, United States Magistrate Judge:

The Court's Orders have informed *pro se* plaintiff that defendants have a right to take her deposition and directed the parties to schedule this deposition. See ECF Nos. 22, 31, 38. Plaintiff failed to appear for her deposition and defendants moved to compel the deposition. ECF No. 37. The Court directed plaintiff to respond to defendants' motion to compel by March 28, 2025. ECF No. 38. Plaintiff timely responds to the motion stating that the parties had not agreed to the March 12, 2025 deposition date and "[i]t is groundless to accuse *Pro Se* Plaintiff 'failed to appear on March 12, 2025' deposition. (sic)" ECF No. 41. Plaintiff also opposes the taking of her deposition before she finds an attorney to represent her. Id.

Defendants' motion to compel plaintiff's deposition is granted. See Fed. R. Civ. P. 30(a) ("A party may, by oral questions, depose any person, including a party, without leave of court..."). The parties shall confer and schedule plaintiff's deposition on a date certain by April 11, 2025 and write to inform the Court of the date, where and how the deposition shall be conducted. If the parties cannot agree on a date, the Court shall order plaintiff to appear on a date the Court chooses.

Plaintiff shall appear for her deposition whether or not she has found an attorney to represent her.

The parties shall file a joint status letter by April 11, 2025.¹

SO ORDERED.

_____/S/
LOIS BLOOM
United States Magistrate Judge

Dated: March 31, 2025
Brooklyn, New York

¹ The parties were directed to suggest March and April 2025 dates for the deposition, however neither side has proposed dates. If the parties do not schedule the deposition by April 11 and do not select dates, the Court shall set the deposition on April 29, 2025 at 10:00 a.m. and order the parties to complete the deposition on that date. If plaintiff fails to appear for a court-ordered deposition, her case may be dismissed. Agiwal v. Mid Island Mortg. Corp., 555 F.3d 298, 302 (2d Cir. 2009) ("[A]ll litigants, including pro ses, have an obligation to comply with court orders," and to diligently advance their case (citing Minotti v. Lensink, 895 F.2d 100, 102 (2d Cir. 1990))).